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SOME ACCOUNT
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ORIGIN AND PRESENT CONDITION
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MEDICAL INSTITUTE OF LOUISVILLE,
WITH REMARKS ON
A LATE REJECTED REPORT.

LOUISVILLE, KY.
PRENTICE AND WEISSINGER.
1842.

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AN ACCOUNT
OF
THE MEDICAL INSTITUTE
OF
LOUISVILLE.

It is known to the citizens of Louisville that there is a party in the city who have for some years been endeavoring to produce discontent with the management of the Medical Institute of Louisville. The Managers and Professors have borne their repeated expressions of dissatisfaction, publicly and privately made, and their attempts to take the school out of their hands, with quite as much patience as is commonly shown in similar circumstances. Some indeed have manifested a natural and justifiable indignation at these unworthy efforts and schemes; but they have avoided a public expression of it, and no public defence has yet been made. They have felt extreme reluctance to a controversy with men who appeared to be proceeding from outrage to outrage, in hope of provoking one, from which they hoped to gain notoriety at least, and in which they had little to lose. But inasmuch as these men have at length succeeded in misleading some of the Council so far as to have their views presented to that body in the shape of a report, which has thus acquired some appearance of importance; although the report was rejected, it has been thought advisable by the Faculty, to place the matter in its true light before the friends of the school, some of whom may be misled into believing the statements made in the report. There has never been any disposition to conceal information on the subject, much less to refuse it to any who should civilly ask for it. But this has not been done on the

present occasion. The committee, indeed, asked for an account of the expenditures and receipts of the officers of the Board of Managers, who had no right to communicate the papers without the order of the Board, to whom they did not apply. And they no doubt would have been refused had they demanded them as a right, inasmuch as the Board are by no means bound to give a committee of the Council an account of the current receipts and expenditures of the Institution, which was in their charge independently of the Council, before any action of that body in relation to them. They might very properly, perhaps, have asked an account of the mode in which the donation of the Council to the Institute had been expended. But the donation did not authorise the Council to interfere with their corporate powers derived from the Legislature and possessed before the donation was made, of establishing the fees to be required of the students; much less did it authorise them to demand a share of them, as the report suggests should be done. The donation was made because the Council believed, as is stated in one of their resolutions at the time, that "it would redound to the honor and advantage of Louisville and that of medical science, to endow said institution in such a manner as to enable the school to enter into competition with any school in the United States." It was made to "the Hon. John Rowan, E. Crow, James Guthrie, J. B. Bowles, B. R. McIlvaine, W. S. Vernon, Henry Pirtle, and Wm. Garvin," (six of whom are still in the Board) because they had full power and authority to carry their wishes into effect; being, as was stated in the resolution of the Council, "the surviving trustees of the Medical Institute of Louisville, with authority to fill vacancies and exercise all the corporate powers vested in the Institute." And the management and control of the school was placed under their direction by the direct act of the Council, as well as by the original act of incorporation.

In short, the Board of Managers had full authority to establish a medical school, but had not the means to do it. The Council had the means without the authority. Wishing it to be established they therefore granted the means to those who had the authority, having full confidence in them. These having obtained the means, exercised the authority before possessed, and established a school over which they had full management and control by the act of incorporation, as was acknowledged by the Mayor and Council, and given as their reason for making the donation.

But although there has never been any disposition to conceal the amount of the receipts and expenditures, and although some of those who are in opposition to the school are acquainted with the subject, the committee complain that they could not procure authentic informa-

tion, and yet have made statements of a most scandalous nature. Indeed the temper of the rejected report and the character of its statements are such as to lead the Faculty to the conviction that the enmity which prompts these movements is not to be mitigated by time, nor softened by forbearance; and some extraordinary acts of those who can no longer be considered in any other light than that of determined enemies of the school as now constituted, as well as the inquiry of a number of citizens, have led them at length to the opinion that it is time to check the influence which has misled some of the Council, and which left unnoticed might mislead others.

It is known to this community, that five years ago the citizens of Louisville, with great zeal and unanimity, determined upon the endowment of a medical school, and carried their determination into effect. But some of the particulars which have probably escaped their recollection, or have never been adverted to by some of them, it is proper to mention.

The Medical Institute of Louisville was chartered by the Legislature on the 2d of February, 1833.

The members were all medical men. By the charter the *members* were to choose a Board of *Managers*, to serve one year, except the President and Moderator, who were to serve two years.

The Board of *Managers* when appointed, had by the charter the sole government and control of the institution, and the *members* had no more voice or influence, except that which they could exert at the periodical elections, than the people have after they have chosen the Governor and Legislature.

Several meetings were held in the course of the year 1833, in order to organize a medical faculty, which was found to be attended with great difficulty.

On the 28th of October, the Managers had a meeting, at which all were present, viz. six; one of the original number, nine, having declined acting, and two having resigned. After much discussion of the question of reorganizing the Faculty, the subject was postponed by resolution. It was then resolved that it was expedient to increase the number of the Institute to fifteen; whereupon nine gentlemen were nominated as suitable persons as members and Managers of the Institute, and unanimously elected. Of these not one was a medical man. It was next resolved, that thereafter no medical man be appointed a manager of the Institute: and Drs. Gist, Rogers, Declary, Broadnax, Dashiell, and Powell severally tendered their resignation of lecturer and manager in the Institute.

On the 11th of November there was a meeting of the Institute, present eleven *members*, old and new, when they proceeded to ap-

point nine *Managers*, viz: every one of the new members, who were not medical men, and were evidently elected *members* in order to be made *Managers*.

On the 18th of November, the *Managers* met and proceeded to business, seven present. Six of the *members* also attended, but had no voice in the proceedings by the charter.

The *Managers* appointed a committee to revise the by-laws—and resolved that the President and Secretary correspond with Medical gentlemen in order to fill the several chairs in the school.

Nov. 21st. The *Managers* met, present the Hon. John Rowan, President; and seven others.

Letters were received from Drs. Powell, Shield and Broadnax, soliciting chairs.

Nov. 30th. The *Managers* met, present the Hon. John Rowan, President, and six others. Applications were read from Drs. Powell, Rodgers, Gist, Dashiell, Declary, Broadnax, and Pendergrast, soliciting appointments.

The President nominated Dr. Fearn, of Alabama; Dr. Miller, of Harrodsburg, Ky.; Dr. Metcalf, of New York; and Dr. Powell and Dr. Rodgers, of Louisville, to chairs, who were all elected.

Dec. 30th. The *Managers* met, five present. Dr. Miller's acceptance was received; and the Board adjourned.

March 26, 1834. The *Managers* met, present, the Hon. J. Rowan, President, and four others.

Resolved, that those gentlemen who shall not send in their acceptance of the chairs to which they have been elected, previous to the next meeting of the Board, be considered as declining the appointment.

March 31. The *Managers* met, five present. Dr. Powell's acceptance was received; and the Board adjourned.

April 28. The *Managers* met, six present. Dr. M'Dowell and Dr. Harrison appointed to chairs.

May 3. The *Managers* met, five present. Some change made in the distribution of the chairs, and Dr. Cartwright, of Mississippi, appointed Professor of the Theory and Practice of Medicine.

Notwithstanding all these attempts to fill the chairs in order to commence operations, in consequence of the gentlemen at a distance not accepting, nothing was done until 1837; when the breaking up of the school at Lexington placed it in the power of the *Managers* to obtain the services of several whom they deemed competent to fill chairs in the school.

These circumstances were thought so favorable to the accomplishment of the object so long desired by many influential men, that the

Mayor and Council, having in view the promised aid of a large subscription, passed a resolution on the 6th March, 1837, in which they recite the fact of the establishment of the Medical Institute of Louisville by the Legislature of Ky., on the 2d February, 1833—of an act amending that act, in February, 1835—and declared that whereas the Hon. John Rowan, Edward Crow, James Guthrie, J. B. Bowles, B. R. M'Ilvaine, W. S. Vernon, Henry Pirtle, and Wm. Garvin, are the surviving trustees of said Institute, with authority to fill vacancies and exercise all the corporate powers vested in said Institute; and whereas the Mayor and Council deem this a proper time to establish a Medical Institute in Louisville, under the corporate powers vested in said Institute, and that it would redound to the honor and advantage of Louisville, and that of medical science, to endow said Institution in such manner as to enable the school to enter into competition with any school in the United States—Therefore it was resolved, that the square bounded by 8th and 9th, and Chestnut and Magazine streets, and the sum of \$30,000 for the erection of College buildings thereon, be devoted to said Institution, and that it should be certified to *the aforesaid trustees* of the Medical Institute, that the said donation should be made as soon as they shall raise by subscription or otherwise, a sufficient sum to purchase a library and apparatus.

Subsequently to this, on the 30th March, a town meeting was held, in which the following resolutions were passed:

1. That there ought to be a college in the City of Louisville, and that said college ought to have both Medical and Law departments.
2. That the meeting approve the designation of the square between 8th and 9th streets, and between Chestnut and Magazine streets, for the location of a college.
3. That the square is sufficiently large for the building of *a college proper*, and also for buildings for Medical and Law departments.
4. That the Mayor and Council will act in accordance with public sentiment in Louisville, in donating said square for *said college buildings*.
5. That the establishment of *a college with Medical and Law departments therein*, will be alike beneficial and advantageous to all the citizens of Louisville, in proportion to their property and business, and ought to be a general charge on all.

That it is highly expedient that *the medical department of said College* should be established and put in immediate operation, and in explicit terms, that it be recommended to the Mayor and Council to grant said square, and erect necessary and proper buildings for *a medical department*, and purchase a library and apparatus at the expense

of the City of Louisville, and *that said medical department* be placed under the control and management of the Trustees of the Medical Institute of Louisville.

7. That these proceedings be published in three public papers, and laid before the Mayor and Council.

These resolutions of the citizens led the Mayor and Council on the 3d of April, 1837, to resolve that *in accordance with them*, the square already mentioned be given *as a college square*, and that the City of Louisville will undertake to build on said square the necessary buildings for a Medical Institute, at a cost not to exceed \$30,000—and will advance in cash for the purpose of purchasing a library, anatomical museum, and the requisite apparatus, &c., for the use of a medical school, the sum of \$20,000, and the management and control of the school to be placed under the direction of the President and Managers of the Medical Institute of Louisville.

They further resolved to cause a proper conveyance of the aforesaid square to be made, and (in accordance with the views of the meeting of citizens as expressed in the resolution above recited, (See particularly the third,) viz: that the square is sufficiently large for the building of *a college proper*, and also for buildings for the Medical and Law departments—) that the Committee of Finance *provide for the right of erecting other college buildings on said square*, and that on obtaining a charter for a college or university, that the square, building, library, &c., shall with the consent of the Mayor and Council, be conveyed to the trustees of *said college*; viz. that which they had in contemplation to build in conformity with the views expressed in the resolutions of the citizens.

The ayes and noes being demanded on the passage of the resolutions, Messrs. Buckner, Field, Guthrie, Metcalf, Pendergrast, Rogers, Rudd, Smith and Thruston voted in the affirmative, and Mr. Chambers in the negative.

The Board of Managers met on the 11th April and accepted the donation of the city.

Dr. Miller and Dr. Powell resigned their chairs in the Institute, in order that the Board might be entirely unembarrassed in making their new arrangements.

On the 14th of April the Managers determined that there should be seven chairs in the school. In the course of the summer they filled them, and the lectures commenced at the usual time in November 1837.

It appears, therefore, that the old Managers, acting in accordance with their powers derived from the act of incorporation, made a standing regulation that no medical man should thereafter act as manager,

and in order to have Managers who were not medical men, they elected the Hon. John Rowan, James Guthrie, W. S. Vernon, J. B. Bowles and five others members of the Institute, the precise number necessary to constitute a board of managers, according to the act of incorporation; and having done this they all resigned their office as managers, till then held by them. At the next meeting, the old resigned managers, now mere members, and the newly elected members who were not medical men, united in the appointment of the new members to be managers. There were no others eligible. They by the charter had the whole government in their hands. They only could alter the law that a medical man was not eligible to the office of manager, made by the old resigned managers themselves. They never did alter it, and the medical men never expressed a wish to have it altered. Elections in such a case would have been a mere form, in fact useless, as it would have been idle to pretend to elect where there was no choice; where the number of eligible men was just equal to the number to be appointed, and was a majority of the whole number of electors.

By the charter all the first members were named Managers, to continue in office until January 1835, when the first regular election was to be held. At that time there was no meeting, and in February the Legislature confirmed the regulation made by the old Board, enacting that managers might be selected from any rank or profession except the medical; and expressly enacted that the board then in office should continue in office until death, resignation, or removal from the county; and in 1840 that they should fill vacancies in their body.

To all this no objection was made by the old resigned managers. They even held office under the Board, and one of them, Dr. Powell, continued to do so until 1837, when through a very proper feeling of delicacy, he resigned his chair to the Board in order that they might be entirely unembarrassed in the new organization then contemplated.

Thus recognised by all immediately concerned as the legitimate managers of the Institute, and confirmed as such by the act of the Legislature of 1835, which was acquiesced in by the old members, who held office under them till 1837 and then resigned to them *in order that they might exercise their authority without embarrassment*, the Mayor and Council treat with them, recognising them, viz. Messrs. Rowan, Crow, Guthrie, Bowles, McIlvaine, Vernon, Pirtle and Garvin, six of whom are still in office, as trustees, with full power to fill vacancies and exercise the corporate powers of said Institute, and shortly afterwards, in conformity with the expressed wishes of a majority of the citizens, conveyed to them the lot for the building, and the means of erecting it and furnishing it with a library, apparatus, &c.

It appears, further, that *in accordance with the views expressed in the resolutions of the citizens at their meeting*, which contemplate the establishment of a college proper with law and medical departments therein, *on the square designated between 8th and 9th and Chestnut and Magazine streets*, and which speak of the medical school then in contemplation *as the medical department of said college, which was to be built on said square*, which they say *is large enough for buildings for a college proper and for medical and law departments*—in accordance with these views of the citizens, the Mayor and Council, when conveying the said square to the Managers of the Institute, provide for the right of erecting *other college buildings on said square*, and, in the event of their obtaining a charter, that the square, building, &c., shall, with the consent of the Mayor and Council, be conveyed to the trustees of said college, viz. that which they had in contemplation some day to build *on said square* in accordance, as they say, with the views expressed in the resolutions of the citizens.

Clothed thus with ample authority, and liberally supplied with the means of erecting a building for the medical department of the contemplated college on *College Square*, the Managers have the high satisfaction of having accomplished more than was ever done in the same way in America. In a very short time the school was organised, and a class of about 80 students attended the first winter, although the lectures were delivered in a confined and uncomfortable room provided for their temporary accommodation. In the following year a spacious building was erected, well suited to the purpose intended; and a class of 120 students attended the first year in which the building was used, above 200 the second, above 200 the third, and above 260 the fourth; making near 900 students in five years, and in the last season exceeding in number every school in America but one or two.

This success is far beyond the expectations of any body. The question was asked before the first class collected, whether we seriously believed there would be 30 students attending? Will any one say that he believed, even in the height of the rejoicing of February 22, 1838, that in the year 1841 there would be 263 students? There is not one whose expectations have not been more than realised.

In addition to the high satisfaction of having succeeded in a noble undertaking, the benefit arising from the amount of money annually distributed through the city is very considerable. On a very moderate computation \$80,000 were left by the last class, a benefit which reaches nearly all, and especially those who most need it; and even that which is received by those who are more especially benefitted, even that but passes through their hands to those who supply them

and their families. And when it is considered what a round a bank note takes these hard times in passing from hand to hand, paying debts, the amount of benefit to the community from the annual supply of so large a sum, sure to be paid, is a matter of some moment; and very many, no doubt, are at this moment making preparations to secure a portion of it, and many making calculations of paying or receiving payment in November and December, founded on it.

Such being the result of the undertaking, well known to all, it cannot be doubted that the school has been well conducted; nor that the Managers, who have had a great deal of trouble and anxious care, with no other compensation than the satisfaction arising from the successful accomplishment of a great undertaking, deserve well of the city and of the whole community. Nor can it be said that the professors have neglected their duty. Who are better judges on this subject than the students who from all quarters, in increasing numbers, crowd the college halls? Why do they come, more and more of them annually, if the Professors do not do their duty by them?

The school being therefore well conducted and highly successful, what more is there to hope for? A more rapid growth was never known. A continuance of its prosperity ought indeed to satisfy its friends. All that we have to fear is a decline, and to prevent this, the true policy is to guard with a watchful eye against every change which may endanger a reverse.

But however obvious this truth, there are some who have been unceasing in their endeavors to change the organization of the school, purely from selfish considerations. It is well known that there is a party of physicians in this city who published a hand-bill two years ago, in which they induced some others, who have since deeply regretted the part they took in the matter, inconsiderately to join, reproaching the management of the school and undervaluing the qualifications of the professors, and made a strenuous effort to displace them, disinterestedly offering themselves, however unworthy, to fill the places if vacated. It would appear from their conduct that they have kept this object in view ever since, and have by no means given up the hope of turning out those who have built up the school, and of taking their places themselves. Late occurrences indicate that they have induced some members of the council to adopt their views, and to propose to that body (what they very wisely refused), to request the Managers of the Medical Institute to transfer the square, buildings, &c., to the trustees of the Louisville College,* to be by them devoted to the service of

* This institution was in existence when the Medical Institute was endowed five years ago, and since that time has obtained power to confer degrees. With full

a Medical College, as a department of the said College, under the same general arrangement, conditions and terms that have obtained under the administration of the present Managers. It is to be regretted that those who have been placed in an important station, to consult for the general good, should have allowed themselves to be so misled as not only to countenance schemes originating in selfishness and envy, and hazardous to the welfare of a prosperous public institution, but to become the channel through which statements are made in relation to matters with which they have no acquaintance, and concerning which, in the very report they have made, they complain that they could not procure authentic information. It must be a matter of regret to themselves to find, as they will, that statements have been made through them of a most injurious character to the professors of the school, perfectly destitute of truth, as they might easily have learned from any of those whose characters have been aspersed; statements which originated in the selfishness and enmity of those who made them.

These men indeed sometimes deny that they have any intention, in these efforts to obtain possession of the management of the Medical School, to disturb the present professors. But it is not to be believed that, if after years of intrigue they could by any possibility get the administration of the school into their hands, they would cease until they attain their main object, openly avowed two years ago, the possession of the chairs. It is not to be believed that men who have arranged a plan for delivering lectures, and have asked for the use of the Medical Institute for the purpose, would fail to take possession of it if they should dispossess the Managers whose sense of duty and propriety compelled them to deny them. It is evident that the object was, by succeeding in carrying the report, which they without foundation supposed would give them possession of the Institute, to do that which they openly proposed to do in 1840, eject the present Professors.

Such are the motives which led to the statements in the rejected report, and to the improper use that has since been made of it. Without authority from the Council it has been published in the Louisville Gazette, without mention of the important fact that it had been rejected;

knowledge of its existence, neither the citizens at their public meeting, nor the Mayor and Council, contemplated a connection between it and the Medical Institute, in the act of 1837 endowing the Institute. That act in accordance with the elevated views of the meeting of the citizens, contemplated *a college proper with law and medical departments to be erected on the square between 8th and 9th and Chestnut and Magazine streets*. (called in the act of the Council University Square). on which they resolved that there is room to erect buildings for all three; and they beforehand spoke of the Medical Institute of Louisville as *the medical department* of this anticipated college or university to be erected on *University Square*

and thereby made the impression on the minds of some that it had been carried. And so completely have the members of the committee entered into the feelings of the inimical party, that, according to the statement of the editor of the Gazette, which has not been contradicted, they had a great number of copies of the report printed, with the ayes and noes attached, in a form evidently intended for distribution; and one of the committee has stated to a gentleman, although he was told that the information was sought for in order to be used, that the publication was made in consultation with Dr. Bell, Dr. Bullitt, and Dr. Flint, and that from the interest they manifested in it he supposed they would be willing to pay a part of the expense if called on. The committee-men have moreover stated in the Gazette their full belief in the truth of the statements in the report, professing, however, a willingness, if they can be shown to be untrue, to acknowledge it; but it is threatened that the extra copies will be distributed "in the event of any farther attempt to discredit its statements." That is to say that if the Faculty do not remain silent under the infamous imputations and charges in the report, they shall be scattered far and wide; and such has been their impatience, that without waiting the result these threats have already been carried into execution; information having been received that they have been sent into Tennessee.

The spirit which actuated the writers of the report is shown in small things as well as great. It is shown in applying the term beneficiaries to men invited to the work, who have been laboring for years for the public good as well as their own, and making lavish expenditures to promote it, while some of them have not received on an average of five years more than one half of what they had for years before been receiving annually, and have not in any one year received as much by several hundred dollars; and some have not supported their families by the proceeds of the school while they have been engaged in building it up.

It is shown in the remark that they learned from the Librarian (whose testimony upon some points he avers is misrepresented), that "*fifteen second hand books* have been added to the library the present year, but with what money they had been purchased he does not know." The Librarian does not know much about the motives of the professors (it may be said without any disrespect to a young man whom they esteem), but if the committee had thought proper to inquire of them, they might have learned that the professors have no power over the library fund, which is under the entire control of the Managers, to whom application is made for money to make purchases; and that the books in question were a very valuable set, one work, which was out of print, which has been long desired and never

met with before, and which Dr. Miller was urged to purchase, even if at our own expense, without waiting to apply to the Managers, who, however, on application, refunded that and other money for the purchase of other books to a small amount.

Their enmity is shown by complaining that the professors make too much, stating the sum at \$3,000, and proposing to call upon them to pay a part of it for the use of the buildings, &c.; a complaint and a proposition which they never would have made, had they possession of the chairs they desire.

To this it may be replied, (though it is not worthy of a reply, inasmuch as every man's services, as a general rule, are worth what he can get for them), that the terms were known when they entered on the undertaking and the fees established at the usual sum, and no rent demanded or even mentioned, although the question was asked if any was contemplated, in which case not another step would have been taken by the parties; that the attempt was attended, in the opinion of most people, with great hazard of loss, and a certain necessity for advances in the commencement for the support of their families, and soon called for large advances for the college itself, all which they incurred in hope of ultimate success; that this hope rested on the fact that most of those engaged in the undertaking had been occupied in teaching from ten to twenty years, and thousands of the physicians of the west had been their pupils and personally known to them; that the fee being no more than usual, the amount to be received depended upon the number of students who might be attracted by their reputation as teachers; and that the sum actually received had not yet amounted to what several of them had been receiving for years when they entered on their project of establishing a medical school in Louisville. Who will say in these circumstances that there is any claim upon them growing out of the amount they are receiving? If they are receiving too much for their services, who do they derive it from? Do they gather it from the citizens? They bring it from abroad and scatter it among the citizens. If the school had, under the charge of teachers less known and established, struggled on from 30 to 50 and 70 or 80, and after years remained stationary at 100 or 110, as has been over and over the case in similar attempts, would these men or the city have been better satisfied? Would not the complaint of the discontented then have been that these teachers are doing too little? Would not the disposition be to procure the services of men who might raise the school to 250 or 300 students? And, if this had been done, with what sort of face would any man call upon them to pay for accomplishing the desires of the city? to pay for bringing more money into it? And how would such a proposition be listened to?

So far from agreeing to a reduction it is more and more the practice to demand a pledge that the receipts shall amount to a sufficient sum—and the lowest that has been demanded for several years is \$3,000, the very sum complained of in the rejected report.

They have shown their enmity by exaggerated statements of the expense of the endowment of the medical department of the intended university, thus endeavoring to lead the uninformed to believe that they are paying a heavy tax to support those that are better off than themselves. The endowment was a liberal one, for which the city has been honored and benefitted, as they proposed to themselves and deserved. But liberality does not exaggerate a benefit—nor has any disposition been shown by the city or the city authorities to do so. Those who present this matter in this view, be it remembered, are enemies of the school; enemies who have now done their worst to destroy that which the city has taken a pride in establishing, under the belief that it would redound to their honor and advantage. The truth is that the city purchased twenty acres of land for \$3,400, by advice of one of the Board of Managers. The land was laid off in lots for sale, and it was stated that a college or university was to be built on a part of it, which was called College Square. Under this impression bidders gave large prices for the lots. The sales amounted to near \$70,000. All contracts of any magnitude for building the Institute were paid for by the delivery of two-thirds of the bills in bonds of the purchasers of real estate near the college, and what is called Mound property; and the balance was paid in City scrip. The building cost about \$45,000 paid in this way. The \$20,000 for library and apparatus were paid in cash. The city therefore paid for the Medical College chiefly with a part of the proceeds of the twenty acres—after reserving a square for a university, and has part of the land still left. It is to be remembered also that the present college occupies but a small part of the square, and that the city occupies the remainder for public purposes.

Nor is this enmity confined to individuals, but extends to the Institution itself; and the spirit of the report indicates a determination in some, if possible to ruin the school if they cannot get possession of it. This is shown by that most unfounded remark, that in consequence of alleged irregularities in the proceedings “there are now acting members of the Board of Managers who have no legal title to their seats, and of course all the proceedings of the Board thus informally constituted, the financial arrangements of the concern, the appointment of professors, the distribution of collegiate advantages, and the conferring of degrees, are done without authority of law, and of consequence invalid and worthless to all interested.” And this injurious sug-

gestion, the most ruinous that can be made against a medical school, without a shadow of truth, is published to the world by men who know the full import of it, all the time pretending to be friends of the school, anxious for its prosperity; publishing this report for its good. The whole however is a groundless fiction, proceeding from manifest enmity working without "authentic information" on this subject as well as the money transactions of the Institute, as may be seen by referring to the history of the early days of the Institute already given.

"It appears," says the report, "that there are still living three of the original corporators of the Medical Institute, who have neither participated, nor been summoned to participate in any of its transactions for the last four or five years—a portion of the associates having proceeded to exercise all the corporate functions, without any regard to the equal rights of the excluded members."

The three surviving *members* here spoken of, are medical men, who nine years ago excluded themselves from all participation in the management of the Institute, by passing the regulation that no medical man should thereafter act as manager. This, being managers at the time, they had full authority to do by the act of incorporation in 1833; and the Legislature confirmed it by the act of 1835 as the permanent law of the school.

"The portion of the associates (spoken of) who proceeded to exercise all the corporate functions," are four still surviving managers of that Board, which the old three abovementioned (and their then associates) constituted nine years ago; together with those who have been since elected. In electing new Managers instead of those whose places were vacated by death, resignation or removal, they were debarred from choosing any of the surviving three medical men, by the law of the Institute made by these three themselves; and were compelled to appoint the same men managers because there were no others eligible, as the three had themselves arranged the matter when they brought in the non-medical men expressly to be made Managers.

If the three had been present at elections they could have carried no candidate, as they were from the beginning in the minority, six members, medical men, having chosen nine men not medical, and made them managers. If they had even had a majority it would have made no difference; because there were no others to choose than the non-medical men who constituted the old Board. Neither would a majority have enabled them to bring in others to make managers of: because the Board had the right by the original act of 1833 to determine the mode and manner of admitting new members, and how they shall cease to be such; and no one could be admitted unless nomina-

ted by the President or Moderator. By the operation therefore of the original act of incorporation in 1833, and the regulation made by the three medical men, the result was the same whether there was an election or not; viz. the perpetuation of the office in the hands of the Board.

Six weeks only after the time appointed in the original act of 1833 for the first regular election of a Board of Managers, the Legislature made this inevitable result legal, by enacting that the Board, which was a large majority of the members of the Institute, and the only members capable of serving as Managers, should be perpetual. And if it be alleged (as in the report) that the Legislature had no right to pass this regulation except at the instance of the corporation, when it has reserved no right to alter, it may be replied; that if the Legislature are thus debarred from all interference, the Institute must be left to the operation of the regulations mentioned, which unavoidably result in the perpetuation of the office of the Board.

But even granting (for the sake of argument) that there have been irregularities in the proceedings though certainly none such as to affect the result, they do not make void the law and the authority growing out of it. They at most render it voidable by the Legislature if they see fit to interfere against the Board; but so far from doing so, they have already declared in favor of the Board, who are exercising powers granted by them, and resulting also from the regulation of the medical men when managers, who have for ever debarred themselves from exercising authority over the Institute.

And even supposing that the Legislature were inclined to consider as irregularities the very proceedings under the authority conferred by themselves, they would assuredly go no further than to rectify them—and even this is completely in the power of the Board itself without the action of the Legislature. They have only to call a meeting of the Institute, and of the surviving members of those who constituted it in November, 1833, the present Board contains a majority. If therefore the surviving original members alluded to in the report, who are all medical men, were to attend with the view of favoring the plans of an inimical party, they would be outvoted: and what is more, if they vote at all, they must vote for the members now in the Board and such as they may bring in as members; all the rest, viz. themselves being medical men, excluded for ever by their own law.

The same enmity which led to such unreasonable insinuations and objections, and charges striking at the very life of the Institution, has led to the assertion in the rejected report that the Faculty have used but a small portion of the fund consisting of the matriculation fees, for the purposes of the school, and that "the residue has gone with

all the other revenue of the establishment into the Professors' pockets."

This is nothing short of a base calumny without the smallest foundation to rest upon.

The following statement shows the whole amount of the matriculation fees received from the commencement of the lectures in November, 1837, with the expenditures to the first of September, 1842.

The amount of matriculation fees received in the winters	
of 1837, 1838, and 1839, after deducting discount on un-	
current notes, as reported to the Managers in 1840,	\$1,834 37
The amount of do. received in the winter of 1840,	1,005 00
The amount of do. received in the winter of 1841,	1,317 00
Total amount of matriculation fees rec'd in 5 years,	<u>\$4,156 37</u>

The expenditures from November, 1837, to November, 1840, when the report was made to the Managers were as follows:

For permanent fixtures and work done in the building,	\$300 92
For necessary furniture for rooms, paid	177 94
For books, binding, and apparatus,	\$422 45
From which deduct this amount returned by	
the Managers out of the fund provided for	
that purpose	392 62
	29 83
For expenses of library, including salary,	427 47
For publication of pamphlets, &c., and advertising,	998 07
For coal and wood,	295 50
For candles and oil,	45 87
For chemical substances, including repairs,	98 96
For anatomical department,	44 87
For Janitors and assistants, for three years including at-	
tendance in summer, painting, &c.,	1,019 50
For a plan of building at Hospital,	20 00
For a vignette for Catalogues,	20 00
For sextons at the Introductory lectures and Commence-	
ments,	27 00
For repairs after the hail-storm in May, 1840,	67 31
For sundry small charges in three years,	37 15
For interest on a loan from the Bank of Kentucky,	125 93
1840—From Nov. 1, to March 2d, 1841:—	
For fuel and light,	125 62
For chemical substances,	17 13
For carpenter's work, \$59—Plastering, \$20,	79 00

For insurance and interest on note in 1840,	306 00
For grates, &c., and portrait frame,	21 50
For printing and advertising,	225 75
For Librarian,	156 36
For interest to Bank of Kentucky,	12 40
For amount paid Morton and Griswold,	28 05
For Janitor, summer and winter, and attendant,	362 50
For sundry small charges,	11 68

1841—From March 3d to Sept. 1st, 1842—

For repairs to lecture room at Hospital,	12 50
For coal at do. paid Mr. Martin,	14 75
For coal and wood at Institute,	123 85
For Librarian,	150 00
For stationery to Morton and Griswold,	33 62
For carpenters' bills at different times, and lumber,	179 12
For printing pamphlets, &c., and advertising,	375 33
For anatomical and surgical department,	170 75
For chemical substances, &c.,	68 97
For insurance and interest on note in 1841,	303 00
For McGrain's bill for stove, pipe, &c., for lecture room at Hospital,	32 59
For McGrain's bill for sundries for Institute,	133 12
For Taylor's bill for furnace, &c.,	64 62
For Janitor and assistants,	310 88
For copper-pipe, &c., to Prentice and Birkhead,	22 30
For J. Rust's bill for sundries,	13 00
For plasterer, locksmith, cooper, and glazier,	13 37
For sundry small bills, \$15 21—candles \$15	30 21
For interest to the Bank of Ky. and Northern Bank,	62 59
For Gas works' bill,	594 07
For four street lights,	180 00
For bill for gas consumed,	74 46
For interest on private loan,	42 00
For insurance paid in June, 1842,	300 00
For repairs to cupola, &c., 1842,	117 00
For quarter's salary to Librarian,	37 50
For servants in April,	6 50
For coppersmith's bill,	6 37

For building a lecture room at the Hospital and the
communication with it, by an arrangement with the
Council, for which the matriculation fees are made
eventually liable by understanding with the Managers, 3,032 00

Amount of expenditures from Nov. 1837, to Sept., 1842, \$11,586 78

Thus it appears that the expenses of the school have exceeded by several thousand dollars the amount of matriculation fees received. Some excess of expenditure might have been anticipated in the beginning, when the provision for a small class, was nearly as great as would have sufficed for a large one. But there were many heavy calls in the commencement not anticipated, for other than ordinary purposes.

There was a number of expensive fixtures, and some alterations necessary, and furniture of various kinds wanted; all of which the Faculty were obliged to provide, as they were necessary to enable them to get along. These expenses exceeded five hundred dollars.

It was absolutely necessary to publish extensively for several years in the commencement, in order to make the existence of the school known throughout the country, which cost above a thousand dollars in the first three years. There was no one to look to for this expenditure, and this constitutes a large item of the amount.

The insurance alone for the last three years with the interest on the sums advanced, amounts to near a thousand dollars.

The subject of insurance for the building had frequently engaged the attention of the Faculty; but the difficulty was to provide the means. The Managers had no fund for the purpose. The matriculation fees were exhausted. The professors had advanced money to the utmost of their ability and had borrowed largely to supply the pressing wants of the school, at a time when they were not receiving any thing like a support from it. In the first year, 1837, they received no more than about \$800 each; and about \$1,400 in 1838. In March, 1839, they were nevertheless obliged to borrow \$1,500 of the Bank of Kentucky, in order to meet various demands on the Institute. It was not in their power at that time to insure. In 1840 they borrowed \$300 for the purpose, and have insured ever since, in fact at their own private expense. For although the matriculation fund is liable for the amount, there is no probability of its ever being returned.

For these various purposes; for expensive publications in the commencement, for necessary fixtures, and furniture of all kinds of a permanent character, for alterations to suit the purposes of the Institution, for large current expenses in proportion to the size of the first classes, for the introduction of gas lights, and for street lights to the building, and for the erection of the lecture room at the Hospital, which has been deemed an important advantage of a permanent character to the Institute, the Faculty have made advances, including interest, of more than \$8,000 above the matriculation fees received. They have indeed laid out money with a lavish hand, when their circumstances are consid-

ered. While the school was not yielding them a support; while they had private engagements which called for all their means, they borrowed large sums to supply the expenditure deemed by them necessary for the prosperity of the Institution, the very interest on which is still a heavy drain.

What then is to be thought of the recklessness of such charges as are contained in the rejected report against those who have made advances so far beyond their receipts from the matriculation fees, of having pocketed the greater part of them? What of the enmity that instigated them? What of the conduct of one who, according to the statement of one of the committee, manifested so much interest in the publication of these charges? He was well acquainted with the fact that the expenses overran the receipts more than two thousand dollars in the first three years, was privy to the frequent consultations of the Faculty on the subject in 1838 and 1839, at one of which it was determined to borrow \$1,500 of the Bank of Kentucky in order to meet the most pressing demands on the Institute, and joined in obtaining a loan to that amount, putting his signature to the notes. Did he not know the falsity of the charge against the Faculty of having pocketed the chief part of the matriculation fees?

The Faculty were induced to make these advances, (as well as others not brought into the account some of which were deemed necessary and all expedient) however inconvenient and burthensome, by two considerations.

One was the deep interest they had been led, by all the circumstances of its origin, to take in the success of the school. It is the last great object of some of them, and all of them look upon it with the natural feelings of those who are confident of succeeding beyond the utmost expectations of its numerous friends, in establishing a school which will reflect honor on the city of Louisville, and upon all who have taken an interest in it, long after they shall have left it to the coming generation.

The other consideration was of a different character; but it was one which they were bound to keep in view. Though the circumstances in which the school was placed called for heavy expenditures, the Faculty were encouraged by the hope of better times. They were assiduously laboring at great cost for small returns, in order to secure a permanent establishment, which would afford a return for their advances, and a suitable and permanent support.

Resting such hopes on the success of their undertaking, and aware that they had no one to look to for assistance, but that they would themselves be the sufferers in case of loss or damage of the building or its contents, they felt all the anxiety for its careful preservation that

men in such circumstances would naturally feel. For several years a man was kept in the building during the summer. The necessity and propriety of this was fully discussed in March last, and it was determined to dismiss the attendant. This was not from a consideration of economy as suggested in the rejected report, for the janitor was not paid for remaining there except the first two years, when he was regularly employed, in painting, &c. He would willingly have continued in the building, for the sake of a good home. The reason for discontinuing the practice was, that the Faculty believed it better that the janitor should not continue in the house. Having no employment, it had been observed that he staid there very little; and when there, he often had company which it was believed did not lessen the danger.

But the rejected report charges gross neglect in those who have the charge of the college. It alleges, that "soon after the appointment of the committee, the chairman was informed by a citizen, that he had recently visited the Medical College, and found it in a very exposed and neglected condition. The chairman immediately went to the premises himself. He found the outer door of the building open, and unobstructed access to several of the apartments, while no person was in or about it to prevent depredations. One of the apartments which was then exposed was the chemical laboratory, where is stowed a large quantity of costly and fragile apparatus, any quantity of which might have been destroyed or removed by evil disposed persons without detection. The passages and interior of the building were in a filthy, offensive and ruinous condition—apparently abandoned to rats and other vermin."

It is not unreasonable to believe that the same spirit which led to such groundless charges of an infamous character in relation to money matters, was at work here also. This passage is so worded as to convey the idea that the chairman entered the open front door of the building, its main entrance, and that he found its interior in a filthy, offensive and ruinous condition. This he certainly did not do, if no one was in or about the building, as the report states. The key of the front door is in charge of the Professor of Anatomy, because he is frequently employed in the building; and the door is never opened unless by him or some one authorised by him. The keys of the several rooms are kept by those who have charge of them, in their several departments. The keys of the laboratory, in the absence of the Professor of Chemistry, were committed to his brother-in-law the Librarian by the Dean. All these rooms are kept carefully locked; and although the entrance to the building may be obtained through the front door, when the Professor of Anatomy or the Librarian is occu-

pied up stairs, as they frequently are, which is then necessarily left open, as there are others who have occasion to go in and out, it does not follow that the house is exposed, and that an intruder can find entrance into the several rooms. On many occasions when visitors have wished to examine them, we have not, although present, been able to show them, because the doors were locked. And even though the laboratory door, opening into the hall, had been found unlocked, being an interior door of the building, the laboratory could by no means be considered as exposed to depredations in the open day, at which time only the front door is left unlocked by those who are employed within. To the passages one may certainly obtain access at such times; but they are not to be found in a filthy, offensive, and ruinous condition.

It is evident to those who are acquainted with the premises, that the door which was found open was the door in the basement to the right of the projection of the steps of the porch; and that the passages and interior of the building which are spoken of as being in such a condition, are the unoccupied portions of the basement to which it leads. This door had gotten out of order in consequence of its being too near the ground, which in that part of the building is so low as to allow the water to settle there, and requires to be raised so as to close that door entirely. The hinge had rusted and had been broken partly off in efforts to close it. It was left in this situation, to be rectified when other work that was necessary should be done, without apprehension, because it was not considered of any importance. This door opens into the large space necessarily inclosed by the foundation walls of so large a building, and subdivided into smaller spaces corresponding in size and shape to the passages and apartments above. These spaces are unoccupied, dark, and with no floor but the earth, for the most part. Access to them does not give access to the interior of the building except through the laboratory, which has a strong door opening into one of them in the centre of the basement, which is kept locked. The reliance for the security of the laboratory is on this door, and not on the outer one, which is distant, and was much less secure from the beginning. The idea of danger to the laboratory or to any thing else, on this account, never entered the minds of those most concerned in its safety.

We are at a loss to conceive what can be meant in the report by the ruinous condition of these dark, unoccupied places, unless the committee refer to the fact that they are not paved; and as to their being apparently abandoned to the rats, &c., we do not use them because we have no use for them; and if rats have found their way into them it is not a matter to be prevented.

As to their being offensive, it should not excite surprise that in the basement of an establishment devoted to such purposes as this, something of the kind occasionally happens.

As to the filth, the Dean had had the basement thoroughly cleaned out at the close of the session. It is in the same condition in which it was then left, and is now in as clean a state at least as any similar place in the city. The assertion in the report is without foundation.

The report says that "one of the apartments which was then exposed, was the chemical laboratory." There can be no question about the impropriety of this; although the access to the laboratory was through a door opening from it into a dark unoccupied room in the centre of the basement of the building, shut out from the light by rooms and passages all round it; in consequence of which secluded situation it might have been open for months without any one observing it. But still it ought certainly to be kept closed, and no one would have been more disposed to find fault with the librarian than the Faculty, had they made the discovery, and believed that he left the door open. They are too deeply concerned to be indifferent to the matter, and would certainly not have allowed it to remain open long. But even if it were admitted that it was left open by the person whose business it was to look to it, how does it follow that the whole Faculty are to be charged with culpable neglect? How often does it happen even in private dwellings, that doors much more exposed to observation and liable to attempts upon them, and much more in view of the heads of the family to attract their attention and care, are yet left unlocked notwithstanding the utmost vigilance and the often repeated injunctions of those who are deeply concerned?

It is remarkable that the committee while they were so severely censuring the neglect of the Faculty in allowing this exposure, which they could not put an end to because they were not acquainted with it, did not reflect on their own neglect in the matter. The chairman who has manifested so deep an interest in it did not take a single step to secure the valuable property he seems to think was exposed to great danger; nor did he even inform those who would have been ready enough to attend to it. He left it as he found it, and sent other members of the committee to "observe the deserted and unsafe condition of the building and its contents." They also went and returned, leaving it to take care of itself, not even then informing those who had the charge and would have seen to its security. Thus it continued, and might have continued to this time unobserved, on account of the situation of the door through which the committee found access to the laboratory, remote from observation, in the very interior of the basement. One of the committee however happened to mention it to

one who had somewhat more consideration for the property; and some days afterwards walking by, he went in to look at it and found the door open, but nothing apparently disturbed, locked the door and some day or two after handed the key to the librarian. When this strange inattention of the chairman and others whom he sent there, in not closing the door nor informing those who were interested, so that they might have it done, is considered in connexion with their subsequent conduct, it would seem that the object was less to secure the property than to cast censure on those who have charge of it.

But although it has, for the sake of argument, been admitted that the librarian left the door open, it is not at all believed.

When the basement was cleaned out in the spring, the Dean desired the librarian to see that all was in order in the laboratory, and to take charge of the keys of that and all the other rooms on the first floor. The rest of the keys were in possession of the Professors and Dr. Bayless, to whom they belonged. The librarian is the brother-in-law of the Professor of Chemistry, and was for that reason, as well as his being under an obligation to be in the building at least twice a week, a proper person to keep the keys of the laboratory and other rooms. He told the Dean that he had seen to every thing and locked the doors; and it is known to the Dean and others that after that time the doors were found locked when visitors several times wished to see the building and could not get into the laboratory because the librarian was not there. The keys were kept by the librarian in the library where they were repeatedly seen by several of the Faculty and others. There is therefore no ground for the supposition of neglect in the librarian.

Moreover this supposition is attended by several difficulties. Besides the improbability that a young man who has paid a great deal of attention, more than was required by his office, to every thing about the building, having spent a large portion of his time there in the fore part of the summer, should neglect to do what he was particularly requested to do, and promised to do, in relation to the care of the apparatus so highly valued by his brother-in-law, the Professor of Chemistry; it is not to be believed that he had not done it when he assured the Dean that he had.

The upper door of the laboratory opening into the hall above in the front of the building, was also found open: but it is improbable that when the librarian took the key out, for it was not left in the door, he did not turn it first, when he was at the very moment engaged in locking up the laboratory. Moreover this door was known to have been locked after the time when the librarian stated that he had locked up all the doors of the laboratory. Its being found open must there-

fore be attributed to something else than his supposed negligence at the time.

This supposition of neglect in the librarian does not account for his not being able to find the keys where he put them, and not knowing where to look for them when he wanted to lock the door when it was discovered to be unlocked.

It is a remarkable circumstance that the laboratory, which was never before known to be left open, should have been found open above and below, "soon after the appointment of this committee," certainly not at the suggestion or by request of the friends of the school.

There is another way of accounting for the doors being found open which agrees with all the circumstances and explains all the difficulties attending the other supposition. It is, that the doors were secretly opened for the purpose of casting censure on the Faculty for the apparent neglect. This might easily have been accomplished by one acquainted with the building.

The Professor of Anatomy is often engaged in his room, and while there the front door is left unlocked in order to admit others who may wish to enter. This being the case any one acquainted with the building and the habits of those engaged in it, could without difficulty pass up to the library where the keys were kept by the librarian, without the least hazard of being heard by those who were engaged at the other end of the building. The lock is of a simple structure and might easily have been picked, or a key may have been used. A pass-key to the library was made for each of the Professors some years ago, but one of them has not been under their control for above two years: and although the retention of this key has been a singular and offensive proceeding in the person who keeps possession of it, there is no intention to charge him with a knowledge of improper use of it; but it is certainly possible that some one inimical to the Faculty may have found access to it, and it is manifest that any one who could do so might easily have accomplished what has been supposed.

The library entered and the keys of the several apartments once obtained from the place where they were known to have been kept, the agent in the business had nothing more to do than to unlock the door of the laboratory immediately at the foot of the staircase; and (after having put the keys in the closet which was close at hand, and where they were afterwards found, and where it was safer to put them than to return with them up stairs into the library) to pass down through the laboratory, unlock the door opening from it into the basement, and pass out of the building; when the whole was ready for the exposure.

This supposition accounts for the upper door being found unlocked as well as the lower.

It accounts for the keys not being found where they were put by the librarian, and the difficulty in finding them when he wanted them in order to lock the door discovered to be unlocked.*

It accounts for the singular circumstance that the doors were found unlocked (never known to have occurred before) and the keys missing "soon after the appointment of this committee" to look into the condition of the school.

It accounts for every thing without attributing gross neglect to a trusted officer of the Institute where there is no room to believe it exists, and strong ground for believing the reverse; viz. that the upper door was known to have been locked.

The whole is but a supposition indeed; but it is rendered highly probable by its fitness to explain the circumstances; by its practicability; by the existence of a disposition to do worse, and of the power to do it possibly within the reach of the inimical party; and by the remarkable circumstance of its having occurred "soon after the appointment of the committee" had been procured to inquire into the state of the school, some of whom have shown a disposition to make unfriendly use of it; as appears from the temper of the report, the character of its assertions in relation to the Professors, the nature of its declarations in relation to the authority of the school, and their conduct since in publishing that which was declared to be false; which instead of putting them on their guard and leading them though late to inquire more fully than they had done, led them to the most unjustifiable course of threatening those who were injured if they attempted to prove the charges false.

But whether this or the other supposition be deemed more correspondent to the circumstances of the case, it cannot be denied that in such an establishment the charge of keys must be committed to other

* The report states that the librarian testified before the committee that the keys were kept in the key closet. The librarian complained to those sitting near him, at the time of the reading of the report in the Council that his statements had been misrepresented. The keys had been kept in the closet by the janitor in the winter; but he himself had kept them where he was himself employed, in the library where they were seen by those who went there. This he stated to the committee. If the keys had been kept in the closet by the librarian, he would have had no difficulty in finding them when he wanted them. He would have gone at once to the closet where they actually then were. But he did not go there to look for them, because he had himself taken them out of the closet when he took charge of them. He finally went there indeed, (after inquiring at the houses of some of the Faculty for them, and after looking every where else,) upon the principle of looking in every place in the house however unlikely to contain them.

than the Professors. Sometimes they are committed to the janitor, sometimes to servants who are engaged in cleaning out the rooms, sometimes to workmen and their apprentices who are engaged for days together, as occurred this summer in repairing the cupola. In case of neglect by those who are necessarily trusted, where would be the propriety of severely censuring the Professors who are compelled to trust them, and who are to suffer whatever inconvenience may arise from their neglect, inasmuch as they have to repair all damages?

Certainly the committee did not consider well what they were doing when they agreed to sign and present to the Council such a paper as this report, a paper altogether of a partizan character, with nothing of the sober regard for correct statements which a proper respect for the Council required.

How could they seriously tell the Council that insurance on the building was never effected "until the City Council ordered that the Faculty should be made to do it; and under the fear of this transfer it was done, after being exposed nearly three years?"

It is not true that the Faculty insured under such a fear and such a threat. They never heard of the order and do not believe the Council could have passed such a one.

It is not true that the house was exposed nearly three years before it was insured. It was not finished until the end of 1838, and it was insured in June, 1840—and remained after the workmen left it a year and a half uninsured. The true reason that determined the Faculty to insure in 1840, was the fear of incendiaries.

With what propriety could they admit to the Council that the agitation of this question is altogether prejudicial to the school, and yet intimate plainly that if the recommendations of the committee are not sustained by the Council, "it will be an annually recurring topic of agitation until the transfer is effected;" thus speaking the sentiments of the inimical party, who are said to declare that they will never give over until they succeed in their designs? And how will they justify themselves to the Council for publishing the report without leave, and without the acknowledgement, due to the credit of the Council, that they had rejected the resolutions notwithstanding all their urgent representations?

It has thus been shown that there is in the city a party of medical men who have been endeavoring for some years to obtain possession of the chairs of the Professors of the Medical Institute of Louisville; which object was openly avowed two years ago in a handbill published by them, and others who inconsiderately joined with them.

It has been shown that, despairing of countenance from the present Board of Managers, they have lately according to the statement of

one of the committee been engaged in the publication of a calumnious report, which had been presented to the Council, but by them rejected, in order to obtain a transfer of the management of the school to a new board to be appointed by the Council and removable at their pleasure.

To say nothing more of the calumnies by which they have endeavored in vain to prevail on the Council to make the request of a transfer, we shall conclude with a few observations.

The proposition to request a transfer of the management of the school from the present Board, rests on the ground of an asserted right arising from the donation of the Council.

The right of management was in the Board of Managers of the Medical Institute of Louisville years before the donation was made. It was the knowledge of the powers they possessed which led the Council to make the donation, and was the avowed ground on which it was made. The donation therefore gives no right of management to the Council.

What then are the legitimate claims of the Council upon the school? They are those only which arise out of the terms of the donation when accepted; for it is the acceptance of a donation which subjects the receiver to the restrictions contained in the terms of the gift. Beyond these the claim of the donor does not extend.

In the present case the terms of the donation which was accepted by the Managers were these, beyond which the Council have no claim.

1. That the property should be used by the Managers for the purpose of carrying into effect their previously possessed powers of establishing a medical school: and, 2dly, that in the event of the Council's carrying the views of the citizens fully into effect, by erecting other college buildings on University Square, and obtaining a charter for a university, the Managers are to transfer, if the Council request it, the square, buildings, &c., to the trustees of the university.

The first authorises them in case the property is used for any other purpose than that of a medical school, to reclaim possession of it. But as long as it is used for the purpose for which it was given, they cannot move in the matter. How far a great failure notwithstanding the efforts of the Managers to raise up a school sufficient to satisfy the expectations of the donors, might authorise the latter to interfere, need not be considered; seeing that in the present case the utmost expectations of the whole city have been far exceeded.

The second authorises the Council to build other college buildings on University Square, and having obtained a charter, to require the Managers of the Medical Institute to transfer the square,

&c., to the trustees named in it. Before this is done there is no ground for the request.

In case however that the wishes of the citizens expressed in their meeting in 1837 should be carried into effect and buildings be erected for the other departments, and the managers of the Medical Institute should be called on to reconvey the square, &c., it is the property only that is to be reconveyed, by right of the reservation in the deed of donation; which can go no farther than to call back what was granted; viz. the property, not the right of management, which was in the Board of Managers before the donation was made.

When that time shall arrive it will be a matter of consideration on what terms the Medical Institute of Louisville, called by anticipation the medical department of the intended university, shall really become so. These will no doubt be such as shall be agreed to by those under whose charge it has increased beyond all expectation and beyond all precedent, and in all probability will continue to increase.

Meantime it can be of no importance to the city who conducts the school, provided only that it be done lawfully and successfully. The present managers, it has been shown, were appointed according to the law of the State, and the charter and regulations made in conformity with it, by the first Board of Managers. That it is successfully conducted every man is a witness. Every good citizen who desires the honor and advantage of the city in the prosperity of the Medical Institute of Louisville, should therefore discourage these agitators, who manifestly desire their own, not the public good; who agitate although they acknowledge that agitation is injurious to it, and plainly say that it will be kept up until they succeed, using at the same time disreputable means to keep it up; who having in the beginning avowed their object, to turn out those who were successfully conducting the school, and shown by the offer of their own services in place of them, that their own interest was their real motive, are not now to be believed when they try to cover over their real designs with the old pretence of public good, the thread-bare mantle in all time of selfish and designing men.